

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE AIR CARGO SHIPPING
SERVICES ANTITRUST LITIGATION

MDL No. 1775

Master File 06-MD-1775 (JG) (VVP)

~~[PROPOSED]~~ STIPULATION AND ORDER REGARDING
FOUNDATION FOR ADMISSIBILITY OF EVA DOCUMENTS

WHEREAS on November 26, 2013, Plaintiffs served a notice for a deposition of EVA Airways Corporation ("EVA") under Rules 45 and 30(b)(6) of the Federal Rules of Civil Procedure for the purpose of establishing the authenticity or admissibility of a number of documents, which Plaintiffs anticipate may be used at trial;

WHEREAS on December 23, 2013, plaintiffs submitted a Stipulation and [Proposed] Order To Extend the Deadline for Plaintiffs To Take the Rule 30(b)(6) Deposition of EVA Airways Corporation until May 31, 2014;

WHEREAS on December 27, 2013, the Court entered an order extending to May 31, 2014, the deadline for Plaintiffs to take the Rule 30(b)(6) deposition of EVA;

WHEREAS on April 23, 2014, the Court filed a Minute Entry setting a deadline for motions to compel discovery of June 2, 1014, with oppositions to such motions to be filed by June 16, 2014;

WHEREAS on May 9, 2014, the Court entered an order at Plaintiffs' and EVA's request extending until June 5, 2014, the time for Plaintiffs to file any motion to compel regarding that deposition;

WHEREAS counsel for Plaintiffs and EVA have met and conferred for many hours over the course of several weeks to endeavor to reach an agreement about foundations for authenticity and admissibility of documents;

WHEREAS counsel for Plaintiffs and EVA have reached agreement regarding the facts concerning the authenticity and admissibility of many documents but have failed to reach agreement regarding the facts concerning the authenticity and admissibility of other documents;

WHEREAS Plaintiffs and EVA agree that it would be most efficient to delay until closer to trial consideration of the authenticity and admissibility of any of the remaining documents about which agreement regarding the facts concerning the authenticity and admissibility has not been reached; and

WHEREAS Plaintiffs and EVA agree to preserve all rights to conduct, object to, or compel a Rule 30(b)(6) deposition of EVA regarding the authenticity or admissibility of documents about which Plaintiffs and EVA have not yet been able to reach agreement;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned, that:

(1) The time for Plaintiffs to conduct a Rule 30(b)(6) deposition of EVA for the purpose of establishing the authenticity or admissibility of documents pursuant to the notice served on November 26, 2013, as revised and amended, is extended to and including the date ⁶⁰~~30~~ days prior to trial in the above-captioned action.

(2) The time for Plaintiffs to file any motion to compel regarding a Rule 30(b)(6) deposition of EVA is extended to and including the date ⁶⁰~~30~~ days prior to trial in the above-captioned action.

Dated: May 23, 2014

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Respectfully submitted,

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Counsel for EVA Airways Corporation

So Ordered:



 Viktor V. Pohorelsky
United States Magistrate Judge

Dated: May 28, 2014

CERTIFICATE OF SERVICE

I, Gregory K. Arenson, declare that, on May 27, 2014, I caused true and correct copies of the foregoing letter with attached [Proposed] Stipulation and Order Regarding Foundation for Admissibility of EVA Documents to be delivered to all counsel of record via the Court's ECF system.

/s/ Gregory K. Arenson
Gregory K. Arenson